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7 LIFE INSURANCE COMPANY OF NORTH AMERICA

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 NORA SELBY

11 Case No.: 2:12-cv-01989-JCM-CWH

12 Plaintiff,

13 vs.

14 LIFE INSURANCE COMPANY OF NORTH  
15 AMERICA, as Claims Administrator for the  
16 SOC LLC Group Insurance Plan

17 Defendant.

**PARTIES' STIPULATED DISCOVERY  
PLAN AND SCHEDULING ORDER  
WITH PARTICULAR  
REPRESENTATIONS AND  
MODIFICATIONS**

**SPECIAL SCHEDULING REVIEW  
REQUESTED**

18 Counsel for the parties participated in a conference on January 2, 2013, for purposes of  
19 Fed. R. Civ. P. 26(f) and LR 16-1 and 26-1. This conference was attended by Julie A. Mersch,  
20 counsel for Plaintiff Nora Selby ("Selby"), and Von S. Heinz, counsel for Defendant Life  
Insurance Company of North America ("LINA"). At this conference, counsel discussed the  
21 disclosure obligations of Fed. R. Civ. P. 26(a)(1) and the remaining issues contemplated by Fed.  
22 R. Civ. P. 26(f) and LR 16-1 and 26-1. Because the insurance at issue in this case is governed by  
23 a fully-qualified ERISA plan, Fed. R. Civ. P. 26(a)(1)(B)(i) exempts from initial disclosure  
24 requirements actions for review on an administrative record. However, as stated below, LINA has  
25 agreed to provide documents to Selby which would otherwise be discoverable under Rule  
26 26(a)(1), constituting the administrative record for this matter and will file them with the Court on  
27 or before January 18, 2013.

1           **A. RULE 26(A)(1) DISCLOSURES**

2           LINA will provide to Selby, on or before January 18, 2013, the administrative record for  
3 the claim for long term disability insurance benefits submitted by Selby, redacted for the sole  
4 purpose of removing references to Selby's personal identification number.

5           LINA will file the administrative record upon which trial shall be conducted with the Court  
6 on or before January 28, 2013.

7           **B. DISCOVERY PLAN AND SCHEDULING**

8           Because ERISA governs this matter, Rule 26(a)(1)(B)(i) governs and the case is exempt  
9 from the initial disclosure obligations of Rule 26(a)(1)(a). This case is also to be presented for a  
10 summary bench trial. *See Mongeluzo v. Baxter Travenol Long Term Disability Benefit Plan*, 46  
11 F.3d 938 (9th Cir. 1995); *Kearney v. Standard Ins. Co.*, 175 F.3d 1084, 1090 (9th Cir. 1999) (en  
12 banc), *cert. denied*, 528 U.S. 963 (1999); *Nolan v. Heald College*, 551 F.3d 1148 (9th Cir. 2009).

13           **C. DEADLINE TO AMEND THE PLEADINGS AND ADD PARTIES**

14           The parties agree that any request to amend the pleadings must be made within 45 days of  
15 the date of the Court's approval of this submission.

16           **D. INTERIM STATUS REPORT**

17           The parties shall file an interim status report, required by LR 26-3, by Friday, March 1,  
18 2013.

19           **E. SETTLEMENT**

20           Although the likelihood of settlement cannot be presently established, the parties have  
21 already discussed case resolution and the possibility of alternative dispute resolution.

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1           **F. PRETRIAL ORDER**

2           A pretrial order is not necessary for this case, since it is to be tried in accordance with the  
3 specialized form of bench trial directed by *Kearney and Nolan, supra*. The parties will submit a  
4 proposed trial briefing order, with proposed dates for opening, answering and reply briefs, no later  
5 than January 18, 2013.

6           LAW OFFICES OF JULIE A. MERSCH

7           LEWIS AND ROCA LLP

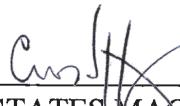
8           By: /s/ Julie A. Mersch

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13          Attorneys for Plaintiff  
14          NORA SELBY  
15          Dated: January 11, 2013

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22          Attorneys for Defendant  
23          LIFE INSURANCE  
24          COMPANY OF NORTH AMERICA  
25          Dated: January 11, 2013

26           IT IS SO ORDERED.

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29          UNITED STATES MAGISTRATE JUDGE  
30          Dated: January 14, 2013